

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARIA ZIPPO,

Plaintiff,

CASE NO.: 21-cv-6990

-against-

**COMPLAINT AND JURY  
DEMAND**

ERVIN PASHO and BOZZUTO'S, INC.,  
Defendants.  
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Plaintiff MARIA ZIPPO, by and through her attorneys, RONAI & RONAI, L.L.P., as  
and for her Complaint, respectfully alleges, upon information and belief:

**I. NATURE OF THE CASE**

1. This is an action for injuries sustained by the plaintiff MARIA ZIPPO as a result  
of the negligence of the defendants ERVIN PASHO and BOZZUTO'S, INC. on April 16, 2020.

**II. JURISDICTION AND VENUE**

2. Jurisdiction over this claim and the defendants herein, exists pursuant to 28  
U.S.C. §1332(a)(1), as there is complete diversity of citizenship between the parties, and the  
amount in controversy herein exceeds \$75,000.00, exclusive of costs.

3. Venue lies in the Southern District of New York in that the events giving rise to  
this action occurred within the Southern District of New York.

**III. THE PARTIES**

4. At all times herein mentioned, plaintiff MARIA ZIPPO was and still is a citizen  
of the County of Westchester, State of New York.

5. At all times herein mentioned, defendant ERVIN PASHO, was and still is a

citizen of the County of New Haven, State of Connecticut.

6. The defendant BOZZUTO'S, INC., at all times herein mentioned, was and still is a corporation organized and existing under the laws of the State of Connecticut, with its principal place of business situated in the County of New Haven and the State of Connecticut.

#### **IV. FACTUAL ALLEGATIONS**

7. On or about April 16, 2020, plaintiff MARIA ZIPPO owned a certain automobile, bearing New York plate number JNV6707.

8. On or about April 16, 2020, plaintiff MARIA ZIPPO was the operator of a certain automobile, bearing New York plate number JNV6707.

9. On or about April 16, 2020, defendant ERVIN PASHO was the operator of a Tractor/Semi-trailer bearing Connecticut license plate number 56281A.

10. On or about April 16, 2020, defendant ERVIN PASHO was employed by defendant BOZZUTO'S, INC.

11. On or about April 16, 2020, defendant ERVIN PASHO was the registered owner of a certain Tractor/Semi-trailer, bearing Connecticut license plate number 56281A.

12. On or about April 16, 2020, defendant ERVIN PASHO was the titled owner of a certain Tractor/Semi-trailer, bearing Connecticut license plate number 56281A.

13. On or about April 16, 2020, defendant ERVIN PASHO maintained a certain Tractor/Semi-trailer, bearing Connecticut license plate number 56281A.

14. On or about April 16, 2020, defendant ERVIN PASHO controlled a certain Tractor/Semi-trailer, bearing Connecticut license plate number 56281A.

15. On or about April 16, 2020, defendant ERVIN PASHO was the lessee of a certain

Tractor/Semi-trailer, bearing Connecticut license plate number 56281A.

16. On or about April 16, 2020, defendant ERVIN PASHO was the lessor of a certain Tractor/Semi-trailer, bearing Connecticut license plate number 56281A.

17. On or about April 16, 2020, defendant BOZZUTO'S, INC. was the registered owner of a certain Tractor/Semi-trailer, bearing Connecticut license plate number 56281A.

18. On or about April 16, 2020, defendant BOZZUTO'S, INC. was the titled owner of a certain Tractor/Semi-trailer, bearing Connecticut license plate number 56281A.

19. On or about April 16, 2020, defendant BOZZUTO'S, INC. maintained a certain Tractor/Semi-trailer, bearing Connecticut license plate number 56281A.

20. On or about April 16, 2020, defendant BOZZUTO'S, INC. controlled a certain Tractor/Semi-trailer, bearing Connecticut license plate number 56281A.

21. On or about April 16, 2020, defendant BOZZUTO'S, INC. was the lessee of a certain Tractor/Semi-trailer, bearing Connecticut license plate number 56281A.

22. On or about April 16, 2020, defendant BOZZUTO'S, INC. was the lessor of a certain Tractor/Semi-trailer, bearing Connecticut license plate number 56281A.

23. On or about April 16, 2020, the Tractor/Semi-trailer was being operated by defendant ERVIN PASHO with the express knowledge, consent and/or on the business of its owner.

24. Upon information and belief, on or before April 16, 2020, one or more of the defendants herein was/were contracted to transport certain cargo in the subject Tractor/Semi-trailer on April 16, 2020.

25. Upon information and belief, the aforesaid was being performed pursuant to a written agreement.

26. Upon information and belief, the aforesaid was being performed pursuant to a verbal agreement.

27. On or about April 16, 2020, the Tractor/Semi-trailer operated by the defendant ERVIN PASHO came in contact with the vehicle operated by the plaintiff MARIA ZIPPO, in the “C-Town parking lot”, located at 114 North Broadway, Tarrytown, NY 10591.

28. On or about April 16, 2020, defendant BOZZUTO’S, INC. was a licensed interstate motor carrier.

29. On or about April 16, 2020, defendant ERVIN PASHO violated sections of the Federal Motor Carrier Safety Administration Regulations.

30. On or about April 16, 2020, defendant BOZZUTO’S, INC. violated sections of the Federal Motor Carrier Safety Administration Regulations.

#### **V. FIRST CAUSE OF ACTION**

31. The allegations of the preceding paragraphs are repeated here as if fully stated.

32. Solely as a result of the defendants' negligence, carelessness, recklessness and or violations of the Federal Motor Carrier Safety Administration Regulations, plaintiff was caused to suffer severe and serious personal injuries to mind and body and was subjected to great physical pain and mental anguish.

33. As a result of the foregoing, the plaintiff sustained serious personal injuries as defined in Section 5102(d) of the Insurance Law of the State of New York, and/or economic loss greater than basic economic loss as defined in Section 5102(a) of the Insurance Law of the State of New York.

34. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

35. Due to defendants' negligence, carelessness, recklessness and or violations of the Federal Motor Carrier Safety Administration Regulations, Plaintiff has thereby been damaged in the amount of TEN MILLION (\$10,000,000.00) DOLLARS.

**VI. DEMAND FOR JURY TRIAL**

36. Plaintiff demands a trial by jury for this action.

**WHEREFORE**, the plaintiff demands judgment against defendants for the first cause of action in the amount of TEN MILLION (\$10,000,000.00) DOLLARS and for such other relief as this Court deems just and proper.

Dated: Port Chester, New York  
August 19, 2021



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**By: Holly Ostrov Ronai (HO3923)**  
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**COMPLAINT AND JURY DEMAND**

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